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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,097	01/31/2002	Meichun Hsu	10007908-1	6024
7590 03/17/2008 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400				
EXAMINER NGUYEN, TAN D				
ART UNIT 3689		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/066,097

Applicant(s)

HSU ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 11/16/07 has been entered. Claims 1, 3-10, 21-26 (method), and 11, 13-16, 18-20, 27-28 (apparatus/computer) are pending and rejected as followed. Claims 2, 12 and 17 are canceled.

As of 11/16/07, claim 1 is as followed:

1. (Currently Amended) A method for ~~publication and~~ discovery of e-services provided by service provider organizations, the method executable in a system associated with a client organization and that includes a discovery agent and a client agent, the method comprising:
 - (a) ~~employing~~ finding, by ~~the system~~ the discovery agent, one or more prospective e-services based on one or more search parameters, wherein e-services are published by corresponding service provider organizations in respective e-service descriptions, and wherein finding the one or more prospective e-services comprises matching the one or more search parameters with the published e-service descriptions; and
 - (b) ~~utilizing~~ connecting, by the ~~system~~ the client agent to connect to the one or more prospective e-services by employing a protocol that is supported by the one or more service provider organizations providing the one or more prospective e-services.

Note: for convenience, letters (a)-(b) are added to the beginning of each step.

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-10, 21-26 (method), 11, 13-16, 18-20, and 27-28 (apparatus) are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over VASHISTHA et al.

Basically, claim 1 reads over:

1. (Currently Amended) A method for discovery (finding) of an item (information/data) called/functioned as e-services provided by an entity, service provider organizations, the method executable in a system associated with a second entity, a client organization, and that includes items (called/functioned as), a discovery agent (module) and a client agent (module), the method comprising:

(a) finding, by an item (called/functioned as) the discovery agent, one or more item (information/data) called/functioned as prospective e-services based on one or more search parameters information/data,

wherein e-services information/data are published by corresponding service provider organizations in respective e-service descriptions information/data, and wherein finding the one or more prospective e-services comprises matching the one or more search parameters information/data with the published e-service descriptions information/data; and

(b) connecting, by the item called/functioned as a client agent to the one or more item (information/data) called/functioned as prospective e-services by employing a protocol that is supported by the one or more service provider organizations providing the one or more prospective e-services.

Note that the term "e-services" which describes an item (information/data) is considered as non-functional descriptive material and has no patentable weight. It's the information/data which is called/functioned as "e-services" that is published, matched with the search parameter information/data, and being connected (b). There is no step of carrying out the e-services (tasks) or e-servicing a client organization. Similarly, the term "search parameters" are information or data that being matched with the data/information about the "e-service" and is considered as non-functional descriptive material and has no patentable weight.

Similarly, in a method for discovery (finding) of an item (information/data) called/functioned as e-services (IT services) provided by an entity, service provider organizations, the method executable in a system associated with a second entity, a client organization, **VASHISTHA et al** discloses the method comprising the steps of:

(a) finding (identifying) one or more item (information/data) called/functioned as prospective e-services based on one or more search parameters information/data,

wherein e-services information/data are registered by corresponding service provider organizations in respective e-service descriptions information/data, and wherein finding the one or more prospective e-services comprises matching the one or

more search parameters information/data with the registered e-service descriptions information/data; and

{see Fig. 1, Fig. 4, (404), (406), (408), (410), (412), Fig. 7, par. [0028], [0035-0039]}

(b) connecting, by the item called/functioned as a client agent to the one or more item (information/data) called/functioned as prospective e-services by employing a protocol that is supported by the one or more service provider organizations providing the one or more prospective e-services.

{see Fig. 9, (922), (928), Fig. 13 (1312, 1334), paragraphs [0042], [0064].

As for the limitation of "discovery agent (item or module)", this item/module is inherently included in the finding (identifying) and matching function/element of VASHISTHA et al (Fig. 4, 408), paragraphs [0038], [0057]-[0064], and [0070]. Alternatively, it would have been obvious to a skilled artisan to call a module for carrying out the steps of identifying and matching of VASHISTHA et al "discovery" as mere using other similar or equivalent name or function to obtain similar result.

As for the limitation of "client agent (item or module)", this item/module is inherently included in the accessing/collaborating/communicating function/element of VASHISTHA et al (Fig. 9, 922, Fig. 13, (1312), (1334), paragraphs [0064], [0095]. Alternatively, it would have been obvious to a skilled artisan to call a module for carrying out the step of connecting of VASHISTHA et al "client agent" as mere using other similar or equivalent name or function to obtain similar result.

As for the limitation of "wherein the e-services (information/data) are published ... in respective e-service description (information/data)", first of all, they are non-functional descriptive material (NFDM) on the "information/data" and carry no patentable weight. Secondly, they are not positively stated "is published" and thus having no patentable weight in a method claim. The negatively stated limitation is being interpreted as "capable of" and the system of VASHISTHA et al is capable of this. If applicant wants a lot of patentable weight on this limitation, then changing the language to positively statement, i.e. "publishing the information or description" is recommended. And finally, this is inherently included in the teachings of VASHISTHA et al "register/registration" function, Fig. 4, (408), par. [0036]-[0037], or once the information/data about the IT services/companies are registered.

As for dep. claim 3 (part of 1 above), which deals with connecting item one (e-service data/information) parameters, i.e. descriptions, this is taught on Figs. 9 and 13. Furthermore, this term is NFDM and has no patentable weight. Also, it's negatively stated (published at) which has no patentable weight in a method claim. They are all merely describes data/information and how the data/information is used or derived or presented carry no patentable weight.

As for dep. claim 4 (part of 1 above), which deals with well known search parameters, i.e. keyword, this is taught in paragraph [0070].

As for dep. claims 5-6 (part of 1 above), which deals with well known communication protocol parameters, these are taught in Fig. 13, paragraphs [0038-0039], [0094-0101].

As for dep. claims 7-10, 25-26 (part of 1 above), which deals with well known searching/matching parameters, data/information in a data sheet, template, document, form, etc., these are taught in Fig. 13, 1304 (server) 1305, 1306 (server), 1340, paragraphs [0036-0039].

As for dep. claims 21-22 (part of 1 above), which deals with well known searching/matching parameters, data/information about price, quantity parameters, service, etc., these are taught in Figs. 5, 7, 6, 7, par. [0077]-[0081]. Moreover, they are considered as NFDM on a data/information and thus having no patentable weight. There are no steps for using the "price" or "quantity parameters" or "commercial services" to do anything.

As for dep. claims 23-24 (part of 1 above), which deals with well known searching/matching parameters, using fuzzy matching logic, or one of fuzzy matching logic and clean matching logic, these are taught in [0070], [0092 "intelligent, algorithm-based technology", [0095 "SQL database", -0096], Fig. 13. Alternatively, the use of other well known matching logic/intelligence such as fuzzy logic to improve matching efficiency/accuracy would have been obvious to a skilled artisan as mere using other well known tool to improve searching/matching efficiency if desired.

As for independent system claim 11, which is basically the system to carry out the respective method steps of claim 1 above, it's rejected over the system of VASHISTHA et al to carry out the method steps as cited in the rejection of claim 1 above, see also Figs. 13 and 9.

As for dep. claims 13-14 (part of 11 above), these are taught in Figs. 4, 13, paragraphs [0035], [0095]-[0101].

As for dep. claim 15 (part of 11 above), which deals with the result list of the prospective candidate/s, this is taught in Figs. 7-8.

As for dep. claims 16, 18-20, 27-28 (part of 11 above), which have similar limitations to the respective dep. claims 23, 8-10, 21 and 7 (part of 1 above) respectively, they are rejected for the same reasons set forth in the rejections of dep. claims 23, 8-10, 21 and 7 (part of 1 above) cited above.

6. Dependent claims 15-16 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over VASHISTHA et al as applied to claims 11, 13-14 above, and further in view of LITTLE.

The teachings of VASHISTHA et al is cited above. LITTLE is cited to teach the use of an intelligent computerized search engine comprising semantic search logic and fuzzy logic for matching to provide the benefits of tolerating partially incorrect user input and allow a novice user to quickly and easily identify records of interest in a specialized database, without the specific knowledge of the covered subject matter {see par. [0009-0010]}. It would have been obvious to modify the search/match module of VASHISTHA et al by including the semantic search and fuzzy logic as taught by LITTLE for the benefits cited above.

7. Dependent claims 23-24 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over VASHISTHA et al as applied to claims 1, 3-10, 21-22 above, and further in view of LITTLE.

The teachings of VASHISTHA et al is cited above. LITTLE is cited to teach the use of an intelligent computerized search engine comprising semantic search logic and fuzzy logic for matching to provide the benefits of tolerating partially incorrect user input and allow a novice user to quickly and easily identify records of interest in a specialized database, without the specific knowledge of the covered subject matter {see par. [0009-0010]}. It would have been obvious to modify the search/match module of VASHISTHA et al by including the semantic search and fuzzy logic as taught by LITTLE for the benefits cited above.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-10, 21-26 (method), 11, 13-16, 18-20, and 27-28 (apparatus) as being obvious over www.google.com have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment of the independent claims necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

No claims are allowed.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689